

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

AMERICAN AIRLINES, INC.,

Plaintiff,

v.

SKIPLAGGED, INC.,

Defendant.

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Civil Action No. 4:23-cv-00860-P

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**DEFENDANT SKIPLAGGED, INC.'S EXHIBIT LIST**

Pursuant to the Court's September 9, 2024 *Order* [Dkt. 269], Defendant, Skiplagged, Inc. ("Skiplagged"), hereby submits its *Exhibit List*, including the objections thereto of Plaintiff, American Airlines, Inc. ("AA"). This list is submitted without prejudice to Skiplagged's right to amend same to the extent allowed by the Court and the law and based on the progress of the case at trial. Skiplagged further reserves the right to use any exhibit that AA designates or uses.

Dated: September 27, 2024

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**CERTIFICATE OF SERVICE**

On September 27, 2024, I electronically submitted the foregoing document with the clerk of the court of the U.S. District Court, Northern District of Texas, using the CM/ECF system which will send a notice of electronic filing to all counsel of record. I hereby certify that I have served all counsel of record electronically or by another manner authorized by FEDERAL RULE OF CIVIL PROCEDURE 5(b)(2).

/s/ William L. Kirkman  
William L. Kirkman

**Skiplagged Exhibit List**

| <b>EXHIBIT #</b> | <b>BATES</b>                 | <b>DESCRIPTION</b>   | <b>OFFERED</b> | <b>ADMITTED</b> |
|------------------|------------------------------|--|----------------|-----------------|
| <b>DX 1</b>      | SKIP0000077                  | Skiplagged Website: What is<br>Skiplagging or “hidden-city”<br>flying?             |                |                 |
| <b>DX 2</b>      | SKIP0000073                  | Skiplagged Website: Can I<br>check a bag if I book flights<br>found on Skiplagged? |                |                 |
| <b>DX 3</b>      | SKIP0000010-11               | Skiplaggd Website: Terms<br>and Conditions   |                |                 |
| <b>DX 4</b>      | AA-SKP-00059659-<br>00059676 | MI:33 LitPak #230071<br>Incident ID: 017 EWR-DFW                                   |                |                 |
| <b>DX 5</b>      | AA-SKP-00058806-<br>00058847 | MI:33 LitPak #230056<br>Incident ID: 001 SLC-PDX                                   |                |                 |
| <b>DX 6</b>      | AA-SKP-00059376-<br>00059405 | MI:33 LitPak #230064<br>Incident ID: 009 ONT-RNO                                   |                |                 |
| <b>DX 7</b>      | AA-SKP-00005277-<br>00005279 | Email re: QIKFIX-LAST10-<br>357732-09JUN09:14:04-FOR<br>QIK CHK ON SABRE           |                |                 |
| <b>DX 8</b>      | AA-SKP-00005304-05           | Email re: FW: ADP<br>Withdrawal Request  |                |                 |
| <b>DX 9</b>      | AA-SKP-00010985-<br>00010988 | Email re: Skiplagged.com   |                |                 |

|              |                          |  |  |  |
|--------------|--------------------------|--|--|--|
| <b>DX 10</b> | AA-SKP-00062165-00062172 | Email re: Skiplagged                             |  |  |
| <b>DX 11</b> | AA-SKP-00052333-00052337 | Email re: YUL and YTO agents short-checking bags |  |  |
| <b>DX 12</b> | AA-SKP-00062732-00062734 | AA Customer Complaint Record                     |  |  |
| <b>DX 13</b> | AA-SKP-00063065-00063071 | AA PNR History                                   |  |  |
| <b>DX 14</b> | AA-SKP-00053414-00053420 | AA.com Site Usage                                |  |  |
| <b>DX 15</b> | SKP00111207-00111225     | Skyscanner Agreement                             |  |  |
| <b>DX 16</b> | SKP00111101-00111110     | Exploretrip, Inc. Agreement                      |  |  |
| <b>DX 17</b> | SKP00111111-00111137     | Kiwi Agreement                                   |  |  |
| <b>DX 18</b> | SKP00111138-00111144     | LBF Travel, Inc. Agreement                       |  |  |
| <b>DX 19</b> | SKP00111145-00111152     | The Travel Outlet of Virginia Agreement          |  |  |
| <b>DX 20</b> | AA-SKP-00001360-362      | Email re: Hidden City Party ID                   |  |  |
| <b>DX 21</b> | AA-SKP-00050225          | Powerpoint: Hidden City Busters                  |  |  |
| <b>DX 22</b> | AA-SKP-00059827          | Email re: Hidden City FYI & Question             |  |  |

|              |                 |   |  |  |
|--------------|-----------------|---|--|--|
| <b>DX 23</b> | SKIP0000629     | Skiplagged 2019 Balance Sheet                                   |  |  |
| <b>DX 24</b> | SKIP0000630     | Skiplagged 2020 Balance Sheet                                   |  |  |
| <b>DX 25</b> | SKIP0000631-632 | Skiplagged 2021 Balance Sheet                                   |  |  |
| <b>DX 26</b> | SKIP0000633     | Skiplagged 2022 Balance Sheet                                   |  |  |
| <b>DX 27</b> | SKP00111226     | Skiplagged 2023 Balance Sheet                                   |  |  |
| <b>DX 28</b> | SKIP0000635     | Skiplagged 2019 Profit and Loss Statement                       |  |  |
| <b>DX 29</b> | SKIP0000636     | Skiplagged 2020 Profit and Loss Statement                       |  |  |
| <b>DX 30</b> | SKIP0000637     | Skiplagged 2021 Profit and Loss Statement                       |  |  |
| <b>DX 31</b> | SKIP0000638     | Skiplagged 2022 Profit and Loss Statement                       |  |  |
| <b>DX 32</b> | SKP00111227     | Skiplagged 2023 Profit and Loss Statement                       |  |  |
| <b>DX 33</b> | SKP00002672     | Email re: I have used your service many times now and have e... |  |  |

|              |                     |  |  |  |
|--------------|---------------------|--|--|--|
|              |                     |  |  |  |
| <b>DX 34</b> | SKP00067993-67995   | Email re: Skiplagged Monthly Supply Partner Report                         |  |  |
| <b>DX 35</b> | SKP00111228-111231  | Skiplagged Post-Flight Symbol Removal Data                                 |  |  |
| <b>DX 36</b> | AA-SKP-00089629-31  | AA PNR Data with Customer Complaint  |  |  |
| <b>DX 37</b> | AA-SKP-00089364-67  | AA PNR Data with Customer Complaint  |  |  |
| <b>DX 38</b> | AA-SKP-00088017-19  | AA PNR Data with Customer Complaint  |  |  |
| <b>DX 39</b> | AA-SKP-00086661-62  | Email re: Hidden City Itineraries and related website                      |  |  |
| <b>DX 40</b> | AA-SKP-00010786-88  | Email re: Skiplagged.com   |  |  |
| <b>DX 41</b> | AA-SKP-00005301     | Email re: Google will no longer offer its flight price data to other sites |  |  |
| <b>DX 42</b> | AA-SKP-00005560-61  | Email re: Customer: Cierra Zacchaeus                                       |  |  |
| <b>DX 43</b> | AA-SKP00005713-18   | Email re: Kayak Source   |  |  |
| <b>DX 44</b> | KIWI.COM_01741-1764 | Kiwi Terms & Conditions  |  |  |

|              |                              |   |  |  |
|--------------|------------------------------|---|--|--|
| <b>DX 45</b> | KIWI.COM_01765-1772          | Kiwi Affiliate Program terms & conditions   |  |  |
| <b>DX 46</b> |                              | MI33.co Pages   |  |  |
| <b>DX 47</b> | AA-SKP-00059916-59921        | Email re: YUL and YTO agents short-checking bags  |  |  |
| <b>DX 48</b> | AA-SKP-00059822              | Email re: Hidden City FYI & Question  |  |  |
| <b>DX 49</b> | John Depo Ex. 2 pg. 30-45    | George John CV/Biography  |  |  |
| <b>DX 50</b> | Gutzler Depo Ex. 1 pg. 15-16 | Gary Gutzler CV/Biography   |  |  |
| <b>DX 51</b> |                              | August 21, 2024 Plaintiff's Second Amended Objections and Responses to Interrogatories 4, 9, 11 and Third Amended Objections and Responses to Interrogatories 17 and 24 |  |  |
| <b>DX 52</b> |                              | June 21, 2024 Plaintiff's Amended Objections and Responses to Request for Production No. 103 and Interrogatories 16, 17, and 24   |  |  |
| <b>DX 53</b> |                              | May 8, 2024 Plaintiff's Amended Objections and Answers to Skiplagged's Interrogatories  |  |  |



|              |                        |   |  |  |
|--------------|------------------------|---|--|--|
| <b>DX 54</b> |                        | February 9, 2024 Plaintiff's Objections and Answer to Skiplagged's Interrogatories                            |  |  |
| <b>DX 55</b> |                        | June 25, 2024 Plaintiff's Amended Objections and Answer to Defendant's Second Requests for Admission          |  |  |
| <b>DX 56</b> |                        | June 3, 2024 Plaintiff's Amended Objections and Response to Skiplagged's Second Set of Requests for Admission |  |  |
| <b>DX 57</b> |                        | May 8, 2024 Plaintiff's Amended Objections and Answer to Skiplagged's First Requests for Admissions           |  |  |
| <b>DX 58</b> |                        | February 9, 2024 Plaintiff's Objections and Answer to Skiplagged's First Requests for Admissions              |  |  |
| <b>DX 59</b> | Fuller_006_Replacement |   |  |  |
| <b>DX 60</b> | Fuller_007             |   |  |  |
| <b>DX 61</b> | Fuller_008             |   |  |  |
| <b>DX 62</b> | Fuller_009             |   |  |  |
| <b>DX 63</b> |                        | Litigation Services Handbook, Chapters 4 and 19   |  |  |

|              |                      |  |  |  |
|--------------|----------------------|--|--|--|
| <b>DX 64</b> | SKP00111232-00111239 | Skiplagged Post-Flight<br>Symbol Removal Data    |  |  |
| <b>DX 65</b> |                      | Screenshot 1 of Skiplagged<br>Website Warnings   |  |  |
| <b>DX 66</b> |                      | Screenshot 2 of Skiplagged<br>Website Warnings   |  |  |
| <b>DX 67</b> | SKP00111240-111247   | Skiplagged Post-Flight<br>Symbol Removal Data    |  |  |
|              | Demonstrative        | Skiplagged's website<br>warnings and disclosures |  |  |
|              | Demonstrative        | Timeline   |  |  |
|              | Demonstrative        | Skiplagged website process                       |  |  |
|              | Demonstrative        | Expert calculations and tables                   |  |  |
|              | Demonstrative        | 15 U.S.C. Section 1117(a)                        |  |  |
|              | Demonstrative        | Copyright Act, Section 504(a)<br>and 504(b)      |  |  |
|              | Demonstrative        | Gary Gutzler Tables                              |  |  |

**STATEMENT OF ADMISSIBILITY**

The parties participated in a meet and confer regarding the exhibits set forth in Skiplagged's Exhibit List and agree that with the exception of the following exhibits, the parties agree to the admissibility of the exhibits listed.

Pursuant to the Court's September 27, 2023 *Scheduling Order*, Paragraph 8(c), and the Court's *Order* of September 9, 2024 [Dkt. 269], Plaintiff, American Airlines, Inc., objects to the admissibility of the following exhibits offered by Skiplagged:

| <b>DEFS EX. #</b> | <b>BATES</b>             | <b>DESCRIPTION</b>                          | <b>OBJECTION</b>   |
|-------------------|--------------------------|---|--|
| <b>DX 12</b>      | AA-SKP-00062732-00062734 | AA Customer Complaint Record                | FRE 401 (Relevance); FRE 403 (Outweighed); FRE 801/802 (Hearsay)   |
| <b>DX 35</b>      | SKP00111228-111231       | Skiplagged Post-Flight Symbol Removal Data  | FRE 401 (Authentication and Relevance); FRE 602 (Foundation); FRE 403 (No Probative Value); FRE 801/802 (Hearsay); Fed. R. Civ. P. 26 (Not Disclosed in Discovery) |
| <b>DX 46</b>      |                          | MI33.co Pages                               | FRE 401 (Relevance); FRE 602 (Foundation); FRE 801/802 (Hearsay); FRE 901 (Authentication); Fed. R. Civ. P. 26 (Not Disclosed in Discovery)                        |
| <b>DX 64</b>      | SKP00111232-00111239     | Skiplagged Post-Flight Symbol Removal Data  | FRE 401 (Authentication and Relevance); FRE 602 (Foundation); FRE 403 (No Probative Value); FRE 801/802 (Hearsay); Rule 26 (Not Disclosed in Discovery)            |
| <b>DX 65</b>      |                          | Screenshot 1 of Skiplagged Website Warnings | FRE 106 (Incomplete Evidence); FRE 401 (Relevance); FRE 602 (Foundation); FRE 901  |

|              |                    |   |   |
|--------------|--------------------|---|---|
|              |                    |   | (Authentication); Fed. R. Civ. P. 26 (Not Disclosed in Discovery)   |
| <b>DX 66</b> |                    | Screenshot 2 of Skiplagged Website Warnings | FRE 106 (Incomplete Evidence); FRE 401 (Relevance); FRE 602 (Foundation); FRE 901 (Authentication); Fed. R. Civ. P. 26 (Not Disclosed in Discovery)     |
| <b>DX 67</b> | SKP00111240-111247 | Skiplagged Post-Flight Symbol Removal Data  | FRE 401 (Authentication and Relevance); FRE 602 (Foundation); FRE 403 (No Probative Value); FRE 801/802 (Hearsay); Rule 26 (Not Disclosed in Discovery) |

/s/ Dee J. Kelly, Jr.

Dee J. Kelly Jr.  
Counsel for Plaintiff

/s/ William L. Kirkman

William Kirkman  
Counsel for Defendant